

Rising Star: BakerHostetler's Bonnie DelGobbo

By Jared Foretek

Law360 (July 15, 2024, 2:02 PM EDT) -- BakerHostetler's Bonnie DelGobbo has quickly built a reputation in the data and video privacy world, crafting defense strategies for major corporate clients like Chick-fil-A and Landmark Theatres to fend off proposed class actions. It's earned her a spot among the cybersecurity and privacy practitioners under age 40 honored by Law360 as Rising Stars.

Her biggest cases:

Some of BakerHostetler's biggest clients have relied on DelGobbo when facing putative Video Privacy Protection Act class actions, like Chick-fil-A and chain restaurant conglomerate Darden, which found themselves facing separate VPPA suits from the same plaintiffs attorneys in 2023 and early 2024. According to the suits, the companies' websites reported video viewing data to Facebook using personally identifiable information.

DelGobbo had a strategy as the lead partner, though.

After the plaintiffs declined to turn over email addresses so the defense team could find out whether they had arbitration agreements, the defense team asked for limited early discovery in both cases. And when that proved unsuccessful, DelGobbo and her group were able to convince the presiding California federal judge that Chick-fil-A isn't a "video tape service provider" under the VPPA just because it has videos on its site. At the same time, they argued that the plaintiffs also shouldn't be considered a "consumer" just because they had the restaurant's app and ate there.

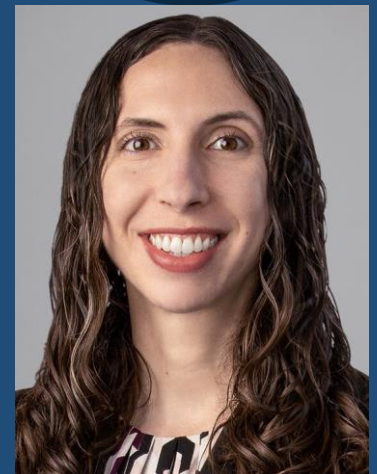
The motion to dismiss was successful, prompting the plaintiffs in the Darden case to voluntarily drop their case.

Her proudest moment:

DelGobbo's proudest moment as an attorney came after a plaintiff accused Northwestern Memorial HealthCare of violating Illinois' Biometric

2024

 **LAW360®**
**RISING
STAR**



Bonnie DelGobbo

BakerHostetler

Age: 37

Home base: Chicago

Position: Partner

Law school: Washington University School of Law

First job after law school: Law clerk for Judge Bobby E. Shepherd of the U.S. Court of Appeals for the Eighth Circuit

Information Privacy Act through its use of automated dispensing cabinets without prior notice or consent.

A trial court denied Northwestern's motion to dismiss, but the case made its way on appeal to the Illinois Supreme Court last year, where DelGobbo's oral argument helped secure a unanimous victory, the court's only statutory interpretation win for a defendant in a BIPA case.

"Getting to argue before a supreme court is not something that comes up very frequently during a legal career, so I'm grateful that I had that opportunity, and especially that I had that opportunity so early in my career," DelGobbo said. "It's a different kind of preparation ... because you want to make sure that you get across ... the most important components of each piece of your argument to the trial court."

Why she's a data privacy lawyer:

DelGobbo said she's always been drawn to the complexity of class actions and cases of first impression. And with plaintiffs increasingly turning to old statutes like the VPPA — which was enacted in 1988 to protect VHS renters' privacy — to make new arguments on digital media tracking, the data privacy space has become an ideal vehicle for both interests.

"Class actions, they tend to be pretty significant cases for a defendant to be facing, particularly when you have ... statutory damages available, there can be potentially significant exposure," DelGobbo said. "And so I think those types of cases tend to have a lot of room for creativity and engaging in more intensive motion practice, especially at the pleading state or later on at the class cert stage, they're the type of cases where you're most likely to get into issues of first impression."

That was the case when DelGobbo defended Silver Cinemas — which does business as Landmark Theatres — from a proposed VPPA class action for allegedly having advertising technology on Landmark's website that shared data about movie ticket purchases with Facebook.

DelGobbo and her team crafted a motion to dismiss arguing that public movie theaters shouldn't qualify as "video tape service providers." The question had never been addressed in a federal court, but a California federal judge tossed the suit with prejudice.

"There's been a lot of efforts on the plaintiffs' side to apply existing statutes to newer technologies in different contexts than were around when these statutes were passed," DelGobbo said. "And so I think that's another area that's been interesting and has a lot of room for making arguments about statutory interpretation ... at the pleading stage."

Where cybersecurity and data privacy law is going:

DelGobbo said the practice area is one of the most dynamic around, given the rapid pace of technological change.

But it's also an area where the law is quickly evolving. DelGobbo said federal, state and local legislators are constantly trying to create new statutes to regulate technological change. And that excites her.

"It all sparks new litigation theories. And that's one of the reasons ... that I find this privacy area so interesting," she said. "You constantly have new laws coming out, and then it takes a while for case law to develop, once a new law is passed — to figure out exactly what the contours of the new law are, and how it's actually supposed to be applied."

"That's sort of the one constant in the privacy area, it's the change," she said. "Being a privacy attorney keeps things really fun and interesting."

--As told to Jared Foretek. Editing by Linda Voorhis.

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2024 Rising Stars winners after reviewing nearly 1,200 submissions. Attorneys had to be under 40 as of April 30, 2024, to be eligible for this year's award. This interview has been edited and condensed.

All Content © 2003-2024, Portfolio Media, Inc.